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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,163	06/28/2001	Stephen C. Davis	A179 1010.1	1461

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06/24/2003

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EXAMINER

VO, HAI

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	09/897,163	DAVIS ET AL.	
	Examiner	Art Unit	
	Hai Vo	1771	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Hai Vo. (3) _____
 (2) Steven L. Schmid. (4) _____

Date of Interview: 18 June 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: claims 4, 5, 34 and 31.

Identification of prior art discussed: Horowitz et al (US 4,107,228) and Mao et al (US 5,846,024).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The art rejections over Horowitz would be overcome by the amendment to clarify the coating as a water-base coating with respect to claim 31. The examiner suggests Applicants to include limitations from claims 4, 5 to independent claims and provide reasons why the combination of Sanduja, Kreiser and Mao will fail in order to overcome the finding of obviousness.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-14 and 31-39 in Paper No. 5 is acknowledged.

Specification

2. The specification is objected to because of the misspelling of butadione, page 5, line 5. Correction is required.

Claim Objections

3. Claims 3, 33 and 35 are objected to because of the following informalities: In claims 3 and 33, line 3, the term "butadione" is misspelled. In claims 33 and 35, the period is missing at the end in each claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 31, and 35-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Horowitz et al (US 4,107,228). Horowitz discloses a paint composition being applied to Noryl foam substrate (test results). Horowitz also teaches the paint composition comprising urethane prepolymer, vinyl monomer, silver nitrate, UV blocker and peroxide (example 1 and column 3, line 3, 59 and 63). It is the examiner's position that Horowitz anticipates the claimed subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-14, 31-33, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanduja et al (US 6,414,048) in view of Kreiser et al (US 6,245,267). Sanduja meets all the limitations as set forth in the claims except a low density polymeric foam substrate (abstract, example 1). Sanduja discloses the substrate being polyolefin tubing (abstract). Kreiser teaches a polyolefin foam can be used as a tube insulation for pipes (column 6, lines 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the polyolefin foam as a substrate motivated by the desire to lower the thermal conductivity of the pipe and the cost of the production (Kreiser, column 5, line 60 et seq.).

With regard to claims 2, 3, 32 and 33, Kreiser discloses a low density polyethylene foam having the density of 0.024 g/cm³ (example 2).

With regard to claims 6-13, and 35-39, Sanduja reads on the limitations (example 1).

With regard to claim 14, Sanduja is silent as to the thickness of the coating. Thus, the skilled artisan must rely on his own knowledge. It would be obvious to one of ordinary skill in the art to employ as little of the coating as possible in order to reduce

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cost. Thus, in the absence of unexpected results, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the coating with the thickness instantly claimed since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involved only routine skill in the art. *In re Aller*, 105 USPQ 233.

8. Claims 4, 5, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanduja et al (US 6,414,048) in view of Kreiser et al (US 6,245,267) as applied to claims 1 and 31 above, in view of Stoddard (US 6,110,525). The combination of the primary and secondary references fails to teach the presence of the latex in the coating composition. Stoddard teaches a coating composition comprising a latex of rubber particles (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the latex in the coating composition motivated by the desire to increase the degree of flexibility of the coating (Stoddard, column 2, lines 32-39).

Find
another
ref teaches
latex

9. Claims 1-3, 6-14, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al (US 4,107,228) in view of Kessler (US 4,274,236).

drop

Horowitz meets all the limitations as set forth in the claims except a low density polymeric foam substrate (test results, example 1 and column 3, line 3, 59 and 63).

Horowitz discloses Noryl foam, a structural foam, having been used a substrate (test results). Kessler teaches a structural foam can be polyvinyl chloride (abstract). It would have been obvious to one having ordinary skill in the art at the time the

invention was made to replace the Noryl foam by PVC foam as a substrate because PVC foam is inexpensive and commercially available.

With regard to claims 2, 3, 32 and 33, Kessler is using the same material, i.e., PVC foam to form a substrate as Applicants, it is the examiner's position that the foam density would be inherently present.

With regard to claims 6-13, Horowitz also teaches the paint composition comprising urethane prepolymer, vinyl monomer, silver nitrate, UV blocker and peroxide (example 1 and column 3, line 3, 59 and 63).

With regard to claim 14, Horowitz is silent as to the thickness of the coating. Thus, the skilled artisan must rely on his own knowledge. It would be obvious to one of ordinary skill in the art to employ as little of the coating as possible in order to reduce cost. Thus, in the absence of unexpected results, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the coating with the thickness instantly claimed since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involved only routine skill in the art. *In re Aller*, 105 USPQ 233.

10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horowitz et al (US 4,107,228) as applied to claim 31 above, in view of Stoddard (US 6,110,525). Horowitz is silent as to the latex in the coating composition. Stoddard teaches a coating composition comprising the latex of rubber particles (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention

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was made to employ the latex in the coating composition motivated by the desire to increase the degree of flexibility of the coating (Stoddard, column 2, lines 32-39).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426.

The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV
April 27, 2003

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